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ATTORNEY DOCKET NUMBER: 0492611-0326 (MIT 8151)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Langer *et al.*

Examiner: Nguyen, D.

Serial No.: 09/553,552

Art Unit: 1633

Filed: April 20, 2000

Title: ENDOSOMOLYTIC AGENTS AND CELL DELIVERY SYSTEMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Robert S. Langer, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application Serial No. 09/553,552, filed April 20, 2000, and entitled "ENDOSOMOLYTIC AGENTS AND CELL DELIVERY SYSTEMS".
2. This Declaration is presented for the purpose of removing from consideration by the Examiner a reference by Pack *et al.*, entitled "Cell Delivery Compositions", U.S.S.N. 09/251,783, Publication Number US 2001/0006817, published July 5, 2001 (the '783 patent). The present Declaration is presented in accordance with *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982) and establishes that the materials in the '783 patent application were not invented by another.
3. David A. Putnam and I are the inventors on the instant application and are also two of the inventors on the '783 patent application.

4. Daniel W. Pack is the other co-inventor on the '783 patent application. Pack is not an inventor of the claimed invention in the present application. Pack was working under my direction when they participated in the research which was described in the '783 patent.

David Atcham & Daniel Pack (M2)

5. I, Robert S. Langer, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.



Robert S. Langer, Sc.D.

12-1-03

Date